IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

Crl.MC.No. 719 of 2007()

ST.668/2005 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOCHI

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PETITIONER: ACCUSED

RAVI K.R.,
35/592, RAGAMANI MANDIR, JAINIMEDU,
OLAVAKKODE ROAD, PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS: COMPLAINANT

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1. ICICI BANK LTD.,
TELMA COMPLEX, ROUND SOUTH, THRISSUR,
REP. BY MOOSAKUTTY.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR S.U.NAZER
SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.719 of 2007

Dated this the 7th day of June 2007

O R D E R

The learned counsel for the petitioner/accused asserts, the learned counsel for the respondent/complainant does not dispute the position of law and I am satisfied that in the light of the judgment in Ahammedkutty Haji vs. State of Kerala [2007(1)KLT 68] the courts at Ernakulam has no jurisdiction and only the court at Palakkad or Thrissur has jurisdiction to deal with the matter. Even though the larger relief of quashing of the proceedings cannot be granted, I am satisfied that the lesser relief of transfer of the case can be granted in favour of the petitioner, as agreed.

2. In the result, this petition is allowed. S.T.No.668/2005 pending before the Judicial First Class Magistrate Court-III, Kochi is transferred to the court of the Chief Judicial Magistrate, Palakkad. The learned Magistrate at Kochi shall forthwith forward the records to the learned Chief Judicial Magistrate, Palakkad and the parties shall be directed to

and they shall appear before the learned Chief Judicial Magistrate on 09/07/2007 to continue the proceedings. Notwithstanding the fact that a warrant of arrest is pending against the petitioner, the learned Chief Judicial Magistrate, Palakkad must consider his application for bail and pass appropriate orders, expeditiously on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007